

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELSON BARRERA and DEPARTMENT OF THE NAVY,
ANTIAIR WARFARE CENTER, Guantanamo Bay, Cuba

*Docket No. 98-1142; Submitted on the Record;
Issued September 22, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained tumors of the bladder and prostate in the performance of duty, causally related to factors of his federal employment.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated February 3, 1998 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

The decision of the Office of Workers' Compensation Programs dated February 3, 1998 is hereby affirmed.¹

Dated, Washington, D.C.
September 22, 1999

George E. Rivers
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

¹ The Board notes that the record contains an additional decision, issued by the Office on February 24, 1998, denying appellant's February 17, 1998 request for reconsideration. Appellant's notice of appeal, however, was received by the Board on February 23, 1998. As the Board and the Office may not simultaneously have jurisdiction over the same issue in the same case, the Office did not have the authority to issue the February 24, 1998 decision and it is null and void. *Russell E. Lerman*, 43 ECAB 770 (1992); *Douglas E. Billings* 41 ECAB 880 (1990).